

Baucus helps stall asbestos bill

Senator wants more compensation for Libby residents exposed to asbestos

U.S. Sen. Max Baucus announced April 22 that he helped block an asbestos litigation reform bill because he said the measure doesn't include strong enough provisions to ensure residents in Libby get the compensation they "need and deserve" after being sickened by deadly asbestos fibers from the defunct W.R. Grace & Co. vermiculite mine.

The bill, aimed at reforming how asbestos cases are handled across the country, was blocked 47-50, falling 10 votes short of the 60 needed to advance it and break

a filibuster.

Baucus has been working for months with Judiciary Committee Chairman Orrin Hatch (R-Utah) to carve out a special provision in the bill for Libby residents, one that takes into account the unique kind of health impacts associated with exposure to the tremolite asbestos found in Libby.

Baucus got specific exemptions into the bill to protect Libby residents, which he calls a "major victory," but said today he wants greater assurances people there who are ill get the financial com-



MAX BAUCUS
Montanian file photo

pensation they're due. "An entire town was poisoned with asbestos for decades by W.R. Grace, a company that lied to its workers and the community about the deadly dust to which it was exposing its workers, their families and the citizens of Libby," Baucus said in a speech on the floor of the Senate shortly before the vote. "Hundreds of people

have already died or become very sick. Hundreds more will likely follow."

Hatch's asbestos legislation would establish a special administrative process within the U.S. Department of Labor to handle asbestos claims and would create a multi-billion-dollar trust account to compensate people exposed to asbestos. This trust account would be paid for by responsible companies, but those companies would be shielded from additional liability.

"I have heard from people in Libby that they would rather we not proceed until we find a way to solve this outstanding uncertainty in the bill," Baucus told his colleagues. "I have pledged to the people of Libby that I will do everything in my power to help them make their community whole again and to make sure their long-term health care needs are met."

Baucus said passing the asbestos legislation, with his "Libby Fix" included, is essential because W.R. Grace may not be able to compensate Libby residents following the company's filing for bankruptcy. After the April 22 vote, Baucus said he will fight to get additional protections for Libby residents and then work to pass the bill.

Libby provisions

Baucus got into the bill:

Baucus was able to get Hatch to include several provisions that take into account Libby's special circumstances, including: exempting Libby residents from strict medical criteria to qualify for compensation; allowing family members and other Libby residents to qualify for compensation in addition to former W.R. Grace workers; allowing people to be compensated from the Asbestos Trust Fund as well as other sources such as Medicaid and Medicare, and language allowing Baucus to advance his proposal establishing a new Libby Health Care Fund.

Libby provisions Baucus wants included in the bill

Baucus voted against advancing the bill April 22 because he wants the following provisions for Libby residents included: requiring the Labor Department to follow compensation level recommendations set by a panel of medical experts; guaranteeing Libby patients who are at either a level three or four asbestos exposure receive at least \$400,000 in compensation. As the bill stands, level three exposure only entitles claimants to \$85,000.